

APPENDIX E

INTERAGENCY AGREEMENTS RELATED TO WATER RESOURCES

E-1. Army-Interior.

a. 16-17 October 1944, Missouri River Basin (S.D. 247, 78th Congress). Agreement on the coordination of plans and the responsibilities for development of main stream and tributaries in the Missouri River Basin.

b. 25 July 1947, Middle Rio Grande Project (H.D. 653, 81st Congress). A joint agreement on a unified plan for control of floods, irrigation, and use of water on the Middle Rio Grande Basin in New Mexico. Sets forth the works to be constructed by each agency in completing the unified plan. The comprehensive plan of the two agencies, in substantial accord with the joint agreement, was approved by the Congress in the Flood Control Act of 1948.

c. 11 April 1949, Columbia River Basin (H.D. 531 and 473, 81st Congress). Agreement between the Corps of Engineers and the Bureau of Reclamation on principles and responsibilities for the comprehensive plans of development in the Columbia River Basin. Also provides for agency construction responsibility for projects under construction, authorized or recommended in the comprehensive plans of development.

d. 9 September 1953, Snake River Basin. Agreement on division of planning responsibility and responsibility for recommending projects on the Snake River. Based upon specific reaches of the main stream and tributaries entering the main stream in those reaches.

e. 20 August 1954. Agreement between the U.S. Fish and Wildlife Service (USFWS) and the Corps of Engineers specifies procedures for carrying out sound planning on fish and wildlife matters related to river basin projects of the Corps of Engineers under the Coordination Act of 1946. (P.L.732, 79th Congress).

f. 6 April 1955. Agreement between USFWS and the Corps specifies the procedures and general provisions for carrying out general plans for fish and wildlife management as specified in Section 3 of the Coordination Act of 1946.

g. 31 December 1958, Central Valley Basin, California. Comprehensive agreement dividing responsibilities for planning and construction of water resources projects, for integrated operation of facilities, and for marketing of services.

h. 19 February 1962, Joint Policies Relative to Reservoir Project Lands. Changed the former real estate policy adopted in 1953 to one providing essentially for fee acquisition.

i. March 1962, Texas River Basins Projects. By direction of the Vice President, representatives of the Bureau of Reclamation, Corps of Engineers, Agriculture, and the State of Texas agreed on construction responsibilities among those agencies for the individual projects in the basin plan. Transmitted to the Vice President by representatives of the U. S. Study Commission and endorsed by the State of Texas.

j. 14 March 1962, Alaska, Columbia, and Missouri River Basin.

Agreement on principles, procedures and designations of responsibility in planning and carrying out Federal water resource development activities in Alaska, the Columbia River Basin, and the Missouri River Basin.

k. 2 November 1970. Agreement between the Corps and the Bureau of Reclamation to reinforce the coordination of engineering design and construction practices through a common philosophy and alignment of methodology. The agreement provides for exchange of information on design standards, criteria, guide specifications, cost estimating guidelines and lists of engineer computer programs.

l. 2 February 1973. Memorandum of Agreement between the Secretaries of Army and Interior sets forth the principles and procedures for coordination of Corps and Bureau of Land Management (BLM) programs where the Corps constructs and operates water resources projects in the adjacent lands administered by BLM.

m. 11 July 1976. Memorandum of Agreement between the U.S. Geological Survey (USGS) and the Corps relating to use of the Geological Survey's National Water Data Storage and Retrieval System (WATSTORE).

n. 8 June 1978. Memorandum of Understanding between the USGS and the Corps which recognizes the Corps as a participating member of the National Water Data Exchange (NAWDEX).

o. 31 August 1978. Memorandum of Understanding between the USGS and the Corps which establishes procedures for implementing cooperation on the exchange of available information. Such information includes results of research and investigations of regional and local geology, seismology, and hydrology that are relevant to site selection and design considerations for Corps facilities, such as dams and other critical installations.

p. 13 May 1980. Agreement between USFWS and the Corps covering principles to be used by both agencies in the conduct and funding of activities in accordance with the Fish and Wildlife Coordination Act of 1958. This was amended by a further agreement dated 21 September 1982.

q. 16 March 1984. Memorandum of Understanding to formulize a system of annual meetings, both regionally and in Washington, D.C., between the Corps and the Bureau of Reclamation, to discuss each agency's current water resources planning and construction agenda with the overall objective of avoiding duplication of efforts.

r. 8 November 1985. Memorandum of Agreement for review and processing of permit applications under the Section 404, Section 10, and Section 103 programs.

s. 10 January 1989. Memorandum of Agreement to provide coordination and cooperation for the conservation, development and management of habitat for waterfowl and associated wetland species on Army civil works projects, in response to goals set forth in the joint United States and Canadian North American Waterfowl Management Plan.

t. 26 October 1992. Memorandum of Agreement between the Corps and the Bureau of Reclamation for the mutual backup of satellite data

collection.

u. 30 November 1994. Memorandum of Understanding between the Army and the USGS to cooperate in the Federal Interagency Sedimentation Project (FISP). MOU provides that activities and interagency staff of FISP will be located at the Waterways Experiment Station. Other agencies are invited to participate.

v. 23 June 1995. Memorandum of Understanding between the Army and the U.S. Department of the Interior concerning the transfer, operation, maintenance, repair, and rehabilitation of the Columbia River Treaty Fishing Access Sites.

#### E-2. Defense-Interior.

a. 8 March 1983. Transfer Agreement concurred in by the Federal Emergency Management Agency (FEMA) 28 March 1983. Provides for transfer to the Secretary of Defense acting through the Secretary of the Army of responsibilities and functions assigned to the Secretary of the Interior under E.O. 11490. That E.O., issued 28 October 1969 (and amended by E.O. 11921 issued 11 June 1976) provided that the Secretary should: prepare a national emergency plan and develop preparedness programs covering all usable waters, from all sources within the jurisdiction of the United States, which can be managed controlled and allocated to meet emergency requirements; give appropriate consideration to emergency preparedness factors in the conduct of regular agency functions; and be prepared to implement, in the event of an emergency, the prepared plan for such event.

b. 14 June 1985. Memorandum of Understanding to provide a framework whereby research activities can be closely coordinated in the wildlife and ecological sciences, vertebrate pest management, land management, and other areas of mutual interest.

E-3. Army-Interior-Federal Power Commission (now known as Federal Energy Regulatory Commission). 12 March 1954. Agreement that the costs of combining reservoir project purposes shall be allocated in proportion to the distribution of resulting savings. The following three methods were considered acceptable: Separable Cost-Remaining Benefit (SCRB), Alternative Expenditures, and Use of Facilities.

#### E-4. Army-Agriculture.

a. 23 June 1948. Memorandum of Understanding between the Corps and the Soil Conservation Service (SCS) (now Natural Resources Conservation Service (NRCS)) which provides for each agency to keep the other advised of its current drainage and related water management activities, exchange technical information, and correlate drainage improvement measures.

b. 19 March 1959. Agreement between Corps and SCS (now NRCS) which provides for consultation between the agencies with a view to reaching a mutually satisfactory decision as to whether the Corps of Engineers or the SCS (now NRCS) should provide the Federal flood control assistance desired by local urban areas. Supplemented by agreement of 23 September 1965.

c. 13 August 1964. Memorandum of Agreement provides policy guidelines for the use, development and management of lands under

control of the Departments of Army and Agriculture in the vicinity of Corps water resource projects within or partly within the National Forest System. Supersedes the agreement of 16 December 1946.

d. 23 September 1965. Agreement between the Corps and SCS (now NRCS) provides a basis for establishing responsibilities, policies and coordination in the preparation of flood protection plans for areas in which there is a mutual interest, including those affecting urbanized areas.

e. 7 January 1983. Memorandum of Agreement for review and processing of permit applications under Section 404, Section 10, and Section 103 programs.

f. 20 May 1986. Memorandum of Agreement between Army and SCS (now NRCS) provides for cooperation in the execution of emergency assistance for repair and restoration of non-Federal water control facilities damaged by floods.

E-5. Defense-Agriculture. 27 March 1963. Memorandum of Understanding for the conservation of forests, vegetative cover, soil, and water on lands administered by the Department of Defense.

E-6. Army-Transportation.

a. 25 April 1969. Agreement between the Corps and the U.S. Coast Guard (USCG) which provides that the USCG upon prior application will inspect Corps of Engineers vessels.

b. 28 January 1970. Agreement on procedures between Bureau of Public Roads (now known as Federal Highway Administration) and the Corps for incorporation of betterments at non-Corps expense in the relocations of highways due to construction of Corps reservoir projects.

c. 18 April 1973. Memorandum of Agreement between the Corps and USCG to clarify areas of jurisdiction and responsibilities under Federal statutes to regulate certain activities in navigable waters of the United States. Agreement covers alteration of bridges; construction, operation and maintenance of bridges and causeways as distinguished from other types of structures; closure of waterways and restriction of passage through or under bridges; design flood flows; and provides for mutual coordination and consultation on projects and activities in or affecting navigable waters.

d. 7 September 1976. Agreement between the Corps and USCG intended to help the parties effectively utilize their resources and to delineate their responsibilities in carrying out the surveillance and enforcement of federally contracted ocean dumping activities associated with Federal navigation projects.

e. 7 May 1977. Memorandum of Understanding between the Corps and USCG to clarify the responsibility for safety on the navigable waters of the U.S. as a result of the Ports and Waterways Safety Act of 1972 (PL 92-340).

f. 26 November 1984. Memorandum of Understanding between Army and the Maritime Administration (MARAD) to define those areas of research, development and engineering activities in which the Corps

and MARAD can jointly apply their technical capabilities and to promote cooperation and integration of their activities in port and waterway development, navigation projects, and related areas.

g. 16 October 1985. Memorandum of Agreement between the Corps and USCG to clarify respective responsibilities for marking and removal of sunken vessels and other obstructions to navigation.

h. 23 February 1994. Agreement between the Corps and USCG to provide the mechanism for cooperative efforts in establishing wide-area Differential Global Positioning System (DGPS) navigation coverage in Corps project areas.

E-7. Army-Environmental Protection Agency (EPA).

a. 15 April 1971. Agreement on division of responsibility for providing additional assistance to state and local governments for enhancing environmental quality and for meeting cost-effectiveness requirements for investments in pollution abatement.

b. 22 November 1974. Agreement defines the relationship between areawide waste treatment management planning conducted by the Corps under the Urban Studies Program and areawide waste treatment management planning authorized under Title II of the Federal Water Pollution Control Act Amendments of 1972 and administered by EPA. The agreement also acknowledges that the Corps may provide technical assistance in Section 208 (Public Law 92-500) planning outside the Corps Urban Studies Program.

c. 25 March 1976. Memorandum describing ways in which the Corps can participate in state and areawide water quality planning and management programs authorized under Section 208 and 303 of Public Law 92-500.

d. 8 July 1980. Interagency agreement for the Corps to act as EPA's agent in the construction of sewage treatment facilities under the Construction Grants Program. The mission normally includes: review of plans and specs for biddability and constructability, review of change orders, site inspections of construction, and providing training and assistance to state personnel and grantees. This revision of an earlier agreement placed additional responsibility on the Corps to discover and remedy safety deficiencies.

e. 3 December 1984. Interagency Agreement which defines the management and technical assistance the Corps will provide EPA for implementation of the Superfund program (responses to problems of hazardous substances).

f. 19 January 1989. Agreement concerning the determination of the geographic jurisdiction of the Section 404 Program and the application of the exemptions under Section 404(f) of the Clean Water Act.

g. 19 January 1989. Agreement concerning Federal enforcement of the Section 404 Program.

h. 19 January 1989. Agreement concerning Section 404 Enforcement Memorandum of Agreement procedures regarding the applicability of previously issued Corps permits.

i. 6 February 1990. Agreement to articulate policy and procedures to be used in the determination of the type and level of

mitigation for the Section 404 Regulatory Program.

j. 11 August 1992. Memorandum of Agreement for review and processing of permit applications under the Section 404, Section 10, and Section 103 programs.

E-8. Army-Nuclear Regulatory Commission. 2 July 1975. Memorandum of Understanding between the Corps and the Nuclear Regulatory Commission defining the roles each agency shall play in the licensing of nuclear plants to avoid conflicting and unnecessary duplication of efforts and of standards related to overall public health and safety and environmental protection.

E-9. Army-Commerce.

a. 1947. Interagency agreement between the Corps, U.S. Customs, and Department of Commerce, Bureau of the Census regarding the provision of waterborne import, export, intransits, and vessel movement data to the Corps.

b. 17 November 1975. Memorandum of Agreement regarding the use of the Geostationary Operational Environmental Satellite (GOES).

c. 2 July 1982. Memorandum of Agreement for review and processing of permit applications under the Section 404, Section 10, and Section 103 programs.

d. 6 September 1985. Memorandum of Understanding between the Corps and the Department of Commerce on assistance of the Corps in real estate acquisitions for the National Weather Service.

e. 31 January 1991. Cooperative Agreement between the Army and the National Oceanic and Atmospheric Administration to establish a continuing cooperative nationwide National Marine Fisheries Service and Corps Habitat Restoration and Creation Program.

f. 31 January 1994. Memorandum of Agreement between the Army and the Economic Development Administration (EDA) for the provision of Corps support on EDA's Levee Restoration Program.

g. 21 July 1995. Memorandum of Agreement between the Army and the National Oceanic and Atmospheric Administration for cooperative activities and reimbursable technical assistance. Cooperative activities include policy and regulatory development and implementation potentially affecting coastal and ocean resources.

h. 20 October 1998. Agreement concerning the transfer of the U.S. Foreign Waterborne Transportation Statistics Program between the U.S. Army Corps of Engineers, Maritime Administration, and U.S. Bureau of the Census.

i. October 1998. National Interest Determination for U.S. Army Corps of Engineers to receive and use certain Census Bureau confidential export data including: Access to Shippers Export Declaration (SED), Outbound In-transit files (7513), SED for In-transit Goods, and hard copy 7513.

E-10. Army-Federal Emergency Management Agency.

a. 8 June 1973. Memorandum of Agreement with the Office of Emergency Preparedness (predecessor of FEMA) prescribing policies and procedures governing reimbursement to the Corps for expenditures in

providing disaster assistance.

b. 9 May 1987. Memorandum of Agreement outlining Army and FEMA responsibilities to cooperatively fund and manage hurricane evacuation studies.

c. 29 September 1992. Agreement to establish a mutual understanding of the responsibilities of the Army and FEMA for delivering management and administrative assistance in implementing the National Dam Safety Program.

E-11. Army-Housing and Urban Development. 11 October 1979. Memorandum of Agreement on review of permit applications which affect the urban environment.

E-12. Army-Energy.

a. 22 November 1980. Memorandum of Understanding between the Corps and the Department of Energy on promotion of sound hydropower development.

b. 2 November 1981. Memorandum of Understanding between the Department of the Army and the Federal Energy Regulatory Commission (FERC) on non-Federal development of hydropower at Corps of Engineers projects.

c. 26 August 1987. Memorandum of Understanding between the Department of the Army and the Department of Energy on assistance of the Corps in real estate acquisitions for the Department of Energy.

E-13. Other Agreements.

a. Army-Federal Inspector, ANGTS. 16 May 1980. Memorandum of Understanding between the Corps of Engineers and the Office of the Federal Inspector, Alaska Natural Gas Transportation System. Memorandum provides for technical assistance by the Corps in the areas of frost heave and other cold-region problems.

b. Multiple agencies. 16 December 1980. Interagency Agreement for nonstructural damage reduction measures as applied to common flood disaster planning and post-flood recovery practices. (The signatory agencies were: the FEMA; the Departments of Agriculture, Army, Commerce, Health and Human Services, Education, Housing and Urban Development, Interior, Transportation; the EPA; the Small Business Administration; and the Tennessee Valley Authority (TVA).)

c. Army-Tennessee Valley Authority. 12 August 1985. Memorandum of Understanding covering regulation of waters of mutual concern. It applies to public activities in the Tennessee River basin for which both TVA and Army permits are required and activities of TVA for which an Army permit may be required.

d. Army-Defense. 18 September 1987. Memorandum of Agreement providing for reimbursable technical assistance by Army to the Office of Economic Adjustment, DoD, in connection with study of water resources in the Federated States of Micronesia and the Republic of the Marshall Islands.

e. Army-Girl Scouts of America. 16 November 1990. Establishes a framework for cooperation to assist each other in areas of mutual concern to the extent permitted by law.

f. Multiple Agencies. 3 December 1990. Memorandum of Understanding to provide a framework for cooperative activities necessary to develop, implement, maintain, and enhance a Watchable Wildlife Program on Federal and State lands, and to assist private landowners. (The signatories were the Departments of Agriculture, Interior, Defense and several non-governmental organizations.)

g. Army-Health and Human Services. 29 January 1991. Sets forth the relationship between the Corps and the Public Health Service for emergency planning and response. Establishes procedures whereby each agency may provide each other with certain services and expertise relating to the development of disaster response plans.

h. Army-NASA. 30 October 1991. Agreement defines areas of mutual interests and develops a framework for cooperative programs related to NASA's Mission-To-Planet-Earth Program including: data information and management systems; analytical, modeling and predictive tools; the development of earth observing instruments and the conduct of related research investigations.

i. Multiple agencies. 1 May 1992. Agreement concerning implementation of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA). Signatory agencies committed to removing any unnecessary impediments to construction of transportation projects and to streamline and improve the efficiency of the environmental review and clearance process. (The signatory agencies were the Departments of Army and Transportation and the EPA.)

j. Multiple agencies. 24 November 1992. Agreement to establish and carry out a coordinated research, development and support effort related to Geographical Information Systems (GIS) technology and specifically the Geographic Resources Analysis Support System (GRASS) software. (The signatories to the agreement were the Corps, the SCS (now NRCS), the USGS and the National Park Service.)

k. Multiple agencies. July 1994. Agreement to set forth the principles for a Coastal America Partnership for Action to protect, restore, and maintain the Nation's coastal living resources. (The signatory agencies were the Departments of Agriculture, Air Force, Army, Commerce, Defense, Energy, Housing and Urban Development, Interior, Navy, Transportation and the EPA.)

l. Multiple agencies. 14 July 1994. Agreement establishing a partnership for Chesapeake Bay ecosystem management. (The signatory agencies were the Departments of Agriculture, Air Force, Army, Defense, Housing and Urban Development, Interior, the Defense Logistics Agency, NOAA, USCG, the Federal Highway Administration, the Corporation for National and Community Service, the National Civilian Community Corps, the Susquehanna River Basin Commission, the Smithsonian Institution, the Commonwealths of Pennsylvania and Virginia, the State of Maryland, the District of Columbia and the Chesapeake Bay Commission.)

m. Multiple Agencies. September 1994. Memorandum of Understanding to establish a general framework for cooperation and participation among the cooperators in the exercise of their responsibilities under the Endangered Species Act. (Signatory agencies were the Departments of the Interior, Transportation, Army,



Defense, Agriculture and the EPA).

n. Multiple Agencies. 9 May 1995. Memorandum of Understanding to establish a general framework for coordination and cooperation between the signatory agencies and the Walt Disney Corporation. The agreement provides a foundation to work in partnership on issues of common interest and to jointly plan and carry out mutually beneficial programs and activities consistent with each organization's mission and objectives. (Signatory agencies were the Departments of the Army, Interior and Agriculture and the Walt Disney Corporation).

o. Army-American Waterways Operators. 19 August 1997. Agreement establishing a partnership to strengthen the communication and working relationship between the Corps and the barge and towing industry toward the mutually-shared objective of improving the operational and financial efficiencies of the inland waterways infrastructure.

p. Army-Bass Anglers Sportsman Society. 5 June 1996. Agreement establishing a framework for communication, cooperative activities, and research necessary to maintain and enhance the productivity of sportfishery resources, consistent with other fishery goals on the Corps waterways, maintain and enhance public fishing opportunities on the Corps system, and to increase public understanding of the importance of aquatic environment to sportfish species.

q. Army-Port of Oakland. 23 September 1998. Agreement establishing a mutual framework governing the feasibility study for improvements to the Oakland Harbor, California. To provide appropriate assistance to the Port in the Port's development of a feasibility level study for channel deepening and related improvements at Oakland Harbor, California, for a Federal navigation project servicing the Port and such other related goods or services as may be agreed upon in the future.

r. Army-Appalachian Regional Commission. 6 May 1997. Agreement establishing the mutual framework governing the respective responsibilities of the parties for the design of the Cullman Duck River Water Supply Dam, Cullman, Alabama, and related acquisition activities.

s. Army-U.S. Customs. 3 December 1997. Agreement regarding exchange of waterborne in-bond data and acceptance of responsibility regarding disclosure of information.

t. Army-U.S. Customs. 22 April 1998. Agreement that confidential or proprietary waterborne transportation data received from Customs will be used only for the National Waterborne Transportation Statistics Program (including release to the Maritime Administration) and internal Corps use. In event of unauthorized release by the Corps, the Corps will intercede on Customs behalf and assume responsibility.